

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SPIRIT MASTER FUNDING II, LLC,

Plaintiff,

vs.

JERRY HERBST,

Defendant.

Case No. 2:13-cv-00398-JAD-GWF

**ORDER**

This matter is before the Court on the parties' failure to file a joint pretrial order required by LR 26-1(e)(5). The Stipulation and Order to Extend Discovery (#43) filed December 6, 2013, required the parties to file a joint pretrial order required by LR 26-1(e)(5) no later than March 26, 2014, or 30 days after a decision on the dispositive motions. A motion for summary judgment (#28) was decided on September 12, 2014, in which case the date for filing the Joint Pretrial Order was suspended until 30 days after the decision. There are no further dispositive motions pending. To date, the parties have not complied. Accordingly,

**IT IS ORDERED** that

1. Counsel for the parties shall file a joint pretrial order which fully complies with the requirements of LR 16-3 and LR 16-4 no later than **October 20, 2014**. Failure to timely comply will result in the imposition of sanctions up to and including a recommendation to the District Judge that the complaint be dismissed for plaintiff's failure to prosecute. See Fed. R. Civ. P. 41(b).

...

...

1                   2.       The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections  
2                               thereto shall be included in the pretrial order.

3       DATED this 8th day of October, 2014.

4  
5                                 
6                               GEORGE FOLEY, JR.  
7                               United States Magistrate Judge  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28